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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,686	10/23/2003	Michael C. Murray	130237-2	6620
7590	03/29/2005		EXAMINER	
			BUTTNER, DAVID J	
			ART UNIT	PAPER NUMBER
			1712	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,686	Applicant(s) MURRAY, MICHAEL C.	
	Examiner David Buttner	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

RL

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10,13,14 and 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over the Van Harmersveld WO 02/32999 Patent in view of Kido '822 or Kolycheck '104.

Van Harmersveld exemplifies (#5) blends of PC, PCCD and ABS. The blend is transparent because the PC and PCCD are miscible and the ABS has an index of refraction close to that of the PC/PCCD mixture. PC/PCCD is applicant's preferred polycarbonate/polyester. Antistatic agents (page 18 line 18, page 21 line 2, page 22 line 17) can be included. Van Harmersveld does literally teach that the antistatic agent should have an index of refraction matching that of the remaining composition, however such a match can be inferred from the teaching that fillers should have a matching index of refraction (page 21 line 24-27).

Antistatic agents with the necessary index of refraction to match that of PC/PCCD mixtures are known (see Kolycheck's examples; Kido's table 1). Note that both secondary references suggest their antistatic agents are useful for polycarbonates and polyesters (Kolycheck col 6 line 24; Kido col 5 line 11). It would have been obvious to utilize the antistatic agents of Kolycheck or Kido in Van Harmersveld's PC/PCCD/ABS blend for the expected antistatic and transparent effect.

Claims 1-14 and 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over the Van Harmersveld WO 02/32999 Patent in view of Ueda '284 or Linemann '851.

Van Harmersveld exemplifies (#5) blends of PC, PCCD and ABS. The blend is transparent because the PC and PCCD are miscible and the ABS has an index of refraction close to that of the PC/PCCD mixture. PC/PCCD is applicant's preferred polycarbonate/polyester. Antistatic agents (page 18 line 18, page 21 line 2, page 22 line 17) can be included. Van Harmersveld does not suggest polyetheresteramide antistatic agents.

Ueda (abstract) and Linemann (abstract) both teach polyetheresteramide have antistatic properties. Both suggest polyetheresteramides can be blended with polycarbonates and polyesters (Ueda col 5 line 17; Linemann col 8 line 7). It would have been obvious to use a polyetheresteramide antistatic agent in Van Harmersveld's PC/PCCD blend for the expected effect. Polyetheresteramides inherently have the necessary index of refraction to match the PC/PCCD according to applicant.

Claims 1-10 and 13-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Hoefflin WO 99/63002 or Gaggar WO 02/38675 in view of Kido '822 or Kolycheck '104.

Hoefflin (#E16) and Gaggar ((#1) both exemplify blends of PC, PCCD and impact modifier. Antistatic agents are not suggested, although additives in general are (Hoefflin page 21 line 25; Gaggar page 17 line 10).

Antistatic agents are well known additives for thermoplastics. Antistatic agents with the necessary index of refraction to match that of PC/PCCD mixtures are known

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(see Kolycheck's examples; Kido's table 1). Note that both Kido and Kolycheck secondary suggest their antistatic agents are useful for polycarbonates and polyesters (Kolycheck col 6 line 24; Kido col 5 line 11). It would have been obvious to utilize the antistatic agents of Kolycheck or Kido in Hoefflin or Gaggar's PC/PCCD/ABS blend for the expected antistatic and transparent effect.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner

3/24/05

David Buttner